

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION**

UNITED STATES OF AMERICA	)	
	)	
v.	)	Case No. 1:99-CR-61
	)	
ERIC B. GREENE,	)	
	)	
Defendant	)	
	)	

**OPINION AND ORDER**

On April 16, 2008, the undersigned granted Defendant Eric B. Greene's ("Greene's") request for appointment of counsel for the purpose of determining whether a Motion for Reduction pursuant to 18 U.S.C. §3582(c) was appropriate in light of the retroactive amendment to the crack guidelines. On May 15, 2008, appointed counsel for Greene submitted a "Motion to Withdraw as Court Appointed Counsel" and, in doing so, informed the Court that because Greene was in custody for a supervised release violation rather than as a result of his original conviction for possession of cocaine base crack, he is not eligible for a sentencing reduction under the amendment to the crack guidelines and therefore a formal motion under 18 U.S.C. §3582(c)(2) was inappropriate. The docket in this case further confirms that Greene is in federal custody pursuant to a revocation of his supervised release and not due to his original conviction. Accordingly, Counsel's request to withdraw is GRANTED and NO FURTHER ACTION shall be taken in this cause.

If the Defendant disagrees with the representations made by defense counsel, he shall have thirty (30) days to file a *pro se* motion for reduction of sentence wherein he explains why such a motion is appropriate in his case, contrary to defense counsel's opinion. The Clerk is hereby DIRECTED to serve the Defendant a copy of this Order at his place of incarceration.

SO ORDERED. This 23rd day of May, 2008.

s/ William C. Lee  
United States District Court